

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>SECURITIES AND EXCHANGE COMMISSION</b>	:	
<b>Plaintiff,</b>	:	
<b>- vs -</b>	:	<b>08 Civil Action No: 4612 (CM)</b>
	:	<b>ECF Case</b>
	:	
<b>JOHN MICHAEL KELLY,</b>	:	
<b>STEVEN E. RINDNER, and</b>	:	
<b>MARK WOVSANIKER</b>	:	
	:	
<b>Defendants.</b>	:	

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**DECLARATION OF STEPHEN G. TOPETZES IN SUPPORT OF  
DEFENDANT MARK WOVSANIKER'S REPLY MEMORANDUM OF LAW**

I, Stephen G. Topetzes, hereby declare pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am admitted to the Bar of the District of Columbia, and I am admitted pro hac vice to this Court for purposes of the above-captioned action. I am a member of the law firm of K&L GATES LLP, attorneys for Defendant Mark Wovsaniker in the above-captioned action.
2. I submit this Declaration based on my personal knowledge in support of Mr. Wovsaniker's Reply Memorandum of Law in Further Support of His Motion for Summary Judgment, filed September 10, 2010.

3. Annexed hereto as Exhibit A is a true and correct copy of the April 1, 2010 Transcript of Civil Cause for Conference before the Honorable Gabriel W. Gorenstein, United States Magistrate Judge.
4. Annexed hereto as Exhibit B is a true and correct copy of the May 6, 2010 Declaration of James Barge.
5. Annexed hereto as Exhibit C is a true and correct copy of pages 1 through 13 of the March 26, 2010 Expert Report of John M. Riley.
6. Annexed hereto as Exhibit D is a true and correct copy of pages 53 and 54 of the May 12, 2010 expert deposition testimony transcript of John M. Riley.
7. Annexed hereto as Exhibit E is a true and correct copy of pages 9 through 11 of the April 13, 2010 expert deposition testimony transcript of Douglas R. Carmichael.
8. Annexed hereto as Exhibit F is a true and correct copy of pages 30 and 31 of the April 23, 2010 expert deposition testimony transcript of Edward A. Weinstein.

Respectfully submitted,

K&L GATES LLP

By: /s/ Stephen G. Topetzes  
Stephen G. Topetzes, Esq. (ST-4145) (admitted pro hac vice)  
Glenn R. Reichardt (GR-2394) (admitted pro hac vice)  
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Dated: September 10, 2010